

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

SYNDICATED OFFICE SYSTEMS, INC.,        )  
assignee of SAINT LOUIS                    )  
UNIVERSITY HOSPITAL,                      )  
  )  
Plaintiff,                                )  
  )  
vs.                                        )      Case No. 4:05CV00640 ERW  
  )  
THE GUARDIAN LIFE INSURANCE CO.        )  
OF NORTH AMERICA et al.,                )  
  )  
  )  
Defendants.                                )

**MEMORANDUM AND ORDER**

This matter comes before the Court upon Plaintiff's Motion for Default Judgment or, in the Alternative, to Compel Discovery Responses and for Sanctions [doc. #46] and Defendant Guardian Life Insurance Company's Motion for Extension of Time to File Answer [doc. #48].

On March 30, 2006, a status conference was held in chambers, off the record. After discussion of issues before the Court, the Court orders as follows:

**IT IS HEREBY ORDERED** that, with regard to Plaintiff's Motion for Default Judgment or, in the Alternative, to Compel Discovery Responses and for Sanctions [doc. #46], the following requests are **DENIED**: (1) Plaintiff's request that the Court enter judgment against Guardian pursuant to Federal Rule of Civil Procedure 55; (2) Plaintiff's request that the Court prohibit Guardian from asserting any defenses to Plaintiff's Complaint; and (3) Plaintiff's request that the Court bar the testimony of Guardian's witnesses at trial. The Court is advised that Guardian has now complied with all discovery requests and Court orders regarding discovery. Therefore, Plaintiff's request that the Court order Guardian to immediately respond to Plaintiff's outstanding discovery requests is **DENIED as moot**. The Court expects to sanction Guardian for its delay in responding to Plaintiff's discovery requests by awarding Plaintiff its attorneys' fees incurred in pursuing this Motion. Plaintiff's shall, within **TEN (10)** days of the date of this Order, file a statement of attorneys'

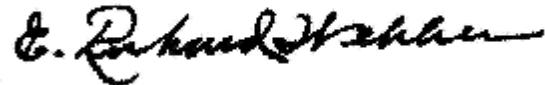
fees with an attached affidavit. Plaintiff's Motion for Sanctions [doc. #46] shall remain pending at this time.

The Court, upon motion, may permit Plaintiff to supplement its briefing that is presently before the Court upon a showing of prejudice for failure to have disclosure of requested documents before briefing was completed.

**IT IS FURTHER ORDERED** that Counsel shall, within **TEN (10)** days of the date of this Order, jointly prepare and file a proposed amended case management order to extend by ninety days all applicable deadlines, including discovery and dispositive motion deadlines.

**IT IS FURTHER ORDERED** that Defendant Guardian Life Insurance Company's Motion for Extension of Time to File Answer [doc. #48] is **GRANTED**. Defendant Guardian's Answer is accepted for filing by this Court.

Dated this 31st day of March, 2006.



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E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE